

Bill No. 28 of 1947.

A BILL TO AMEND THE MUNICIPAL DISTRICT ACT

NOTE.

Section 1 of this Bill amends the interpretation section of the Act. Paragraph (a) introduces a new definition of "land." The only change made is in the exclusion of minerals from the definition of "land." They were formerly included in land but under the new definition are not as municipalities no longer assess minerals. Paragraph (b) of section 1 strikes out section 2 (o) which is the definition of "minerals" and is no longer necessary. Paragraph (c) strikes out section 2 (s) (v) which is part of that definition of "parcel" referring to minerals.

Section 30b of the Act amended by section 2 of the Bill deals with the duty of the secretary-treasurer as to posting up the voters' list.

Section 3 of the Bill strikes out subsection (4) of section 43 and substitutes a new subsection. The earlier provisions of the section provide that nomination day shall be on the third Saturday of February, but subsection (3) provides for the council upon petition changing it to a day other than Saturday. Subsection (4) provides for the changes consequent upon the change in nomination day.

Section 4 of the Bill similarly provides for special elections by adding subsection (4) to section 160.

Section 5 of the Bill amends section 164 of the Act by striking out subsection (5) and substituting a new one. The change made is in the number of days for which a councillor may be paid for inspecting work, etc. As the Act stands at present this is limited to fifteen days. The proposed amendment authorizes payment for thirty days in a district whose area is greater than fifteen full townships. In smaller districts the limit of fifteen days remains.

Section 6 of the Bill introduces a new section 179a. Subsection (1) authorizes the council to provide for a plan of superannuation or annuity payment to employees upon retirement which plan may include contributions by the employees. Subsection (2) provides that the council may grant a lump sum by way of gratuity to employees who have been in the service of the district for fifteen years and have been compelled to retire through illness, etc., or have reached a certain age. It is provided that this gratuity may be in lieu of or in addition to any annuity payable under subsection (1).

Section 7 corrects an error in a reference to a section in *The School Act*.

Section 8 of the Bill strikes out section 249 and enacts a new section. The section now in force authorizes the council to pass a by-law to make provision for a supply of water for the district or any part thereof. The proposed new section authorizes the council to drill a well in any hamlet in the district and recover the cost of same by a special levy on all property in the hamlet on the assessment roll. It is provided that the recovery of the cost by levy may be spread over three years.

The change in section 254 as proposed in section 9 of the Bill is the addition of "farmers organizations approved by the Minister" and "Boy Scout and Girl Guide organizations."

Section 10 cures an error.

Section 11 of the Bill amends section 288 of the Act which defines the property upon which municipal taxes are to be levied. Minerals are no longer included in this category and growing timber is included in the definition of "land."

Section 12 of the Bill amends section 289 which deals with the levy of sums requisitioned by school divisions, etc. The amendment to be made by paragraph (a) is for the same reason as the above amendment to section 288. The amendment to be made by paragraph (b) enacts a new subsection the effect of which is to limit the allowance which may be made for possible uncollected taxes to ten per cent of the amount of the requisition.

Section 14 of the Bill strikes out section 320 and enacts a new section. This section deals with the minimum tax for ratepayers and the tax payable by non-ratepayers commonly called the poll tax. The principal change is in subsection (3) which provides that where a person who is not on the assessment roll pays the so called poll tax in one municipality, he cannot be required to pay it in another municipality, but this privilege does not extend to a ratepayer who has paid the minimum tax under subsection (1) of section 320.

The same change is made in the new section 321 with regard to minimum tax for school purposes.

Section 16 of the Bill is intended to clarify section 348 dealing with the persons entitled to vote on debenture by-laws.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 28 of 1947.

An Act to amend The Municipal District Act.

(Assented to _____, 1947).

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Municipal District Act*, being chapter 151 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 2,—

(a) by striking out paragraph (n) thereof and by substituting therefor the following:

“(n) ‘Land’ means lands, tenements and hereditaments and any estate or interest therein, exclusive of minerals, and without restricting the generality of the foregoing words, includes growing timber;”;

(b) by striking out paragraph (o) thereof;

(c) by striking out clause (v) of paragraph (s) thereof.

2. The said Act is further amended as to section 30b by adding immediately after the word “post”, where the same occurs in the fifth line thereof, the words “or cause to be posted”.

3. The said Act is further amended as to section 43 by striking out subsection (4) thereof and by substituting therefor the following:

“(4) In the event of any such resolution being passed, the references in this Act to the third Saturday in February and the second Saturday in March and to the fourth Saturday following nomination day, shall be taken to be references to the day so fixed and the same day in the third following week and to the same day in the fourth following week.”

4. The said Act is further amended as to section 160 by adding immediately at the end thereof the following new subsection:

“(4) In the event of a special election being held, the references in this Act to the third Saturday in February and the second Saturday in March and to the fourth Saturday following nomination day, shall be taken to be references to the day fixed for nominations, as provided by subsection (3), and the same day in the third following week and to the same day in the fourth following week.”

5. The said Act is further amended as to section 164 by striking out subsection (5) thereof and by substituting therefor the following:

"(5) Every council may pass a resolution for paying the members thereof a sum not exceeding ten cents per mile for every mile necessarily travelled, and a sum not exceeding five dollars per day for the time necessarily occupied in laying out or inspecting work performed or to be performed for the benefit of the municipal district.

"Provided that no payment shall be made under the provisions of this subsection in a municipal district whose area is not greater than the area of fifteen full townships in respect of more than fifteen days in any one year, nor in a municipal district whose area is greater than the area of fifteen full townships in respect of more than thirty days in any one year."

6. The said Act is further amended by adding immediately after section 179 thereof the following new section:

"**179a.**—(1) The council may by by-law provide for a plan of superannuation or annuity payment to any employee upon his retirement from the service of the municipal district, and any such plan may require such contributory participation on the part of the employee as the council in its discretion may provide in the by-law.

"(2) Notwithstanding the provisions of subsection (1), the council may by by-law grant any employee who has been in the service of the municipal district for at least fifteen years and who, while in such service has become incapable through age or illness or otherwise of efficiently discharging his duties, or has reached an age to be specified in the by-law, a sum not exceeding the total of his aggregate salary for the last two years of his service as a gratuity upon his dismissal or resignation, which gratuity may in the discretion of the council be in lieu of or in addition to any annuity which may be paid to him under the provisions of subsection (1)."

7. The said Act is further amended as to section 180 by striking out the words and figures "section 275 (s)", where the same occur in paragraph (g 3) thereof, and by substituting therefor the words and figures "section 274 (t)".

8. The said Act is further amended as to section 249 by striking out the same and by substituting therefor the following:

"**249.**—(1) The council may by by-law authorize the drilling of a well and the provision of equipment for same in any hamlet as defined in clause (i) of paragraph (j) of section 2 to provide a supply of water for the residents of the hamlet, and may recover the cost of same by a levy of a special tax on all property in the hamlet appearing on the assessment roll of the municipal district, such levy to be made in the same manner, at the same time as, and in addi-

tion to the annual levy of taxes under this Act, and any tax so levied shall be added to and form part of the municipal taxes for the year in which the levy is made.

"(2) The amount to be recovered pursuant to subsection (1) may be recovered by a single levy in the year following the year in which the expenditure is made or, in the discretion of the council, may be recovered in two or three instalments by levies made in two or three consecutive years following the year in which the expenditure is made."

9. The said Act is further amended as to section 254 by striking out the same and by substituting therefor the following:

"**254.** The council may pass a by-law for the purpose of granting aid to agricultural societies, farmers' organizations approved by the Minister, boards of trade or similar bodies, school fairs and Boy Scout and Girl Guide organizations."

10. The said Act is further amended as to section 259 by striking out the words "town or village", where the same occur in subsection (2) thereof, and by substituting therefor the words "municipal district".

11. The said Act is further amended as to section 288 by striking out the words "(including minerals and timber)" where the same occur therein.

12. The said Act is further amended as to section 289,—

- (a) by striking out the words "(including minerals and timber)" where the same occur in subsection (1) thereof;
- (b) by adding immediately at the end thereof the following subsection:

"(5) Any allowance which may be made under the provisions of subsection (4) in respect of school divisions for non-collection of taxes or discount on taxes shall not exceed ten per cent of the amount of the requisition."

13. The said Act is further amended as to section 290 by striking out the words "minerals or" where the same occur therein.

14. The said Act is further amended as to section 320 by striking out the same and by substituting therefor the following:

"**320.**—(1) A minimum tax of four dollars for municipal purposes shall be paid by every person assessed upon the assessment and tax roll in case the tax payable by such person in any year amounts to a sum of less than four dollars.

"(2) An annual tax of four dollars shall be paid by every resident of the district of the full age of twenty-one years who has resided therein for a period of sixty days or more during any calendar year and is gainfully employed and

has not been assessed upon the assessment and tax roll, whether he has resided in the district before the date of the completion of the roll or not; but in the case of the collection of the tax, the name of the resident so paying shall be added to the roll for that calendar year.

"(3) Where any person has in any year paid a tax of the nature of that provided in subsection (2) for municipal purposes of at least four dollars to any city, town, village or other municipal district, and such person was not assessed upon the assessment roll of such city, town, village or other municipal district for that year, he shall not be liable in that year to the tax imposed by subsection (2)."

15. The said Act is further amended as to section 321 by striking out the same and by substituting therefor the following:

"321.—(1) The council may by by-law fix a minimum tax of four dollars for school purposes to be paid by any resident of the municipal district assessed upon the assessment and tax roll.

"(2) The council may by by-law impose upon every resident of the district of the full age of twenty-one years who has resided therein for a period of sixty days or more during any calendar year, and is gainfully employed, and has not been assessed on the roll, an annual tax of four dollars for school purposes, whether he has resided in the district before the date of the completion of the roll or not; but in the case of the collection of the tax the name of the resident so paying shall be added to the roll for that calendar year.

"(3) Where any person has in any year paid a tax of the nature of that provided in subsection (2) for school purposes of at least four dollars to any city, town, village, municipal district, improvement district, school district or special area, and such person was not assessed upon the assessment roll of such city, town, village, municipal district, improvement district, school district or special area for that year, he shall not be liable in that year to the tax imposed by subsection (2).

"(4) Each by-law heretofore passed pursuant to chapter 41 of the Statutes of Alberta, 1926, or chapter 151 of the Revised Statutes of Alberta, 1942, and now in force, whereby a minimum annual tax similar to that provided for in subsection (1) or a tax for school purposes similar to that provided for by subsection (2) is hereby declared to be repealed and no longer in force since the first day of January, 1947."

16. The said Act is further amended as to section 348 by striking out the words, "otherwise than merely by virtue of relationship to some other person upon the said list," where the same occur therein, and by substituting therefor the words "as a proprietary elector".

17. This Act shall come into force on the day upon which it is assented to.

No. 28

FOURTH SESSION
TENTH LEGISLATURE

11 GEORGE VI

1947

BILL

An Act to amend The Municipal
District Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. GERHART.

EDMONTON:
A. Shnitka, King's Printer
1947